

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION
CIVIL ACTION NO.

BEREAN BAPTIST CHURCH,
RETURN AMERICA, INC.,
DR. RONNIE BAITY, and PEOPLE'S
BAPTIST CHURCH, INC.,

Plaintiffs,

v.

GOVERNOR ROY COOPER, in his
official capacity,

Defendant,

**PLAINTIFFS' EMERGENCY
MOTION FOR TEMPORARY
RESTRANDING ORDER**

Plaintiffs Berean Baptist Church (“Berean”), a North Carolina nonprofit corporation; Return America, Inc., a North Carolina nonprofit corporation (“Return America”); Dr. Ronnie Baity (“Dr. Baity”); and People’s Baptist Church (“People’s”), a North Carolina nonprofit corporation, have filed their Verified Complaint for Declaratory Judgment and Injunctive Relief in this matter. Now pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Plaintiffs respectfully move the Court for a temporary restraining order and/or preliminary injunction against Defendant, Roy Cooper, Governor of North Carolina, and his agents, employees, and any state or local law enforcement officers from taking any enforcement actions against Plaintiffs pursuant to Defendant’s COVID-19 Executive Order Nos. 121, 135, and 138 (“the Orders”) as they relate to Plaintiffs’ assembly for religious worship. A TRO is necessary to prevent Defendant and his agents

from enforcing the Orders against Plaintiffs in violation of their freedom of religion and assembly rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

Specifically, Plaintiffs request the Court to restrain and/or enjoin Defendant and his agent or assigns from issuing civil citations, filing criminal complaints, levying fines, making arrests, threatening arrests, and/or prosecuting criminal charges brought under the Orders in response to Plaintiffs assembling more than 10 people indoors for religious worship and assembly, even though Plaintiffs satisfy the same Social Distancing Requirements under which other, secular, businesses are permitted to gather indoors with more than 10 people.

In support of the Motion, Plaintiffs rely on their Verified Complaint and its Exhibits, and the Memorandum in Support of Plaintiffs' Motion for Temporary Restraining Order submitted herewith.

WHEREFORE, Plaintiffs Berean Baptist Church, Return America, Inc., Dr. Ronnie Baity, and People's Baptist Church, Inc., respectfully ask the Court to grant the Motion and issue their requested relief.

Date: May 14, 2020

Respectfully submitted,

BEREAN BAPTIST CHURCH
RETURN AMERICA, INC.
DR. RONNIE BAITY
PEOPLE'S BAPTIST CHURCH, INC.

By their attorneys,

s/ Deborah J. Dewart

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*To appear pursuant to Local Rule 83.1

Counsel for Plaintiffs